UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/760,888	01/17/2001	Tomoki Nishimura	1075.1138/JDH	4968

			EXAMINER
21171	7590	05/16/2006	THEIN, MARIA TERESA T

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ART UNIT	PAPER NUMBER
3627	

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/760,888	NISHIMURA, TOMOKI
	Examiner	Art Unit	
	Marissa Thein	3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>28 October 2005</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

In view of the Appeal Brief filed on October 28, 2005, PROSECUTION IS

HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the

following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply

under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed

by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and

appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth

in 37 CFR 41.20 have been increased since they were previously paid, then appellant

must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by

signing below.

ALEXANDER KALINOWSKI
SUPERVISORY PATENT EXAMINER

Claim Objections
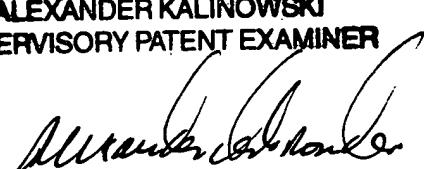
Claim 18 is objected to because of the following informalities:

Claim 18, line 2, "and said second-named displaying" should be –and said

second menu displaying--. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3, 5-8, 10-12, 14-18, and 20-21 are rejected under 35 U.S.C. 103(a)

as being unpatentable over the Dell Computer Corporation website www.dell.com

(Dell) in view of U.S. Patent No. 6,167,383 to Henson assigned to Dell Corporation.

Regarding claims 1 and 6, the website Dell discloses a method of displaying, on

a display section of a customer apparatus, specification information about a custom-

made product upon receipt of the specification information from a manufacturer server

via a communication network (Internet), the method comprising: at the manufacture

server, pre-storing appearance specifications corresponding to respective different

exterior product parts, each appearance specification of a given exterior product part

including an appearance specification image, where the appearance specification image

corresponds to the exterior appearance of a candidate custom-made product as it would

appear when customized by the customer to include exterior part (page 1; page 6;

pages 77-79); pre-storing interior specifications (page 8-8E; page 9-10A; "Build Your

Own System", "configure the system" page 22; "Configure Price Buy" page 89); at the

customer apparatus, displaying, on the display section, a first menu containing the

appearance specification images showing he appearance of the respective candidate

custom-made products, for selection by a customer, upon receipt from the manufacturer

server (page 1; page 6); selecting at least one candidate custom-made product of the

appearance specifications from the first menu on the display section, the selecting being

performed by the customer (page 1; page 6); and displaying, on the display section, a

second menu containing interior specifications of specific interior parts of different

categories of interior parts (pages 8-8E; pages 9-10A).

However, the website Dell does not explicitly disclose the selecting by the

customer to customize the interior of the custom-made product in the second menu.

The website Dell does disclose the interior specification (pages 8-8E; pages 9-10A).

Furthermore, the website Dell discloses "Build Your Own System" and "Configure the

System" in page 22, where you choose a system a customer wants to configure from

the products sold by Dell or by clicking on a "Configure Price Buy" icon. The "Configure

the system" is selection options from drop-down menus that are provided (page 22).

U.S. Patent No. 6,167,383 to Henson assigned to Dell discloses the selecting by

the customer to customize the interior of the custom-made product in the second menu

(Figures 3a-3c; Figures 4-5).

It would have been obvious to one of ordinary skill in the art at the time of the

invention was made to modify the method and system of the website Dell, to include the

selecting by the customer to customize the interior of the custom-made product in the

second menu, as taught by Henson, in order to optimize the responsiveness to the

customer requests and for completeness in servicing of customer demand (Henson, col.

3, lines 51-53).

The website Dell discloses World Wide Web and Internet (page 77), however, it

does not expressly disclose the manufacturer server and the database, but it is inherent

that the website and Internet have the server and database. As an alternative, the

Henson patent assigned to Dell teaches the manufacturer server and the database.

Henson teaches an online store which is a component of an Internet website for which a customer can configure a particular computer system (col. 4, lines 36-39). The online store has a commerce application module that includes a configurator, shopping cart, checkout, and database (col. 4, lines 62-64). The database provides information to the configurator, shopping cart, and checkout (col. 4, lines 64-66). The various modules of the configurator are driven by data from the database (col. 5, lines 3-5). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the Dell website, to include the server and database, as taught by Henson, in order to provide a centralized point to store information to enable multiple users to access the information.

Regarding claims 2, 5, 7, 11, 15, 17, and 20, the website Dell discloses the second menu contains the kinds of the interior specification and all the candidates for each kind (pages 8B-8E); the custom-made product is a personal computer (page 1) and the appearance specifications are display specifications (page 1; page 6)

Regarding claims 3, 8, 12, and 18, the website Dell substantially discloses the claimed invention, however, the website Dell does not explicitly disclose the delivery information about an estimated delivery term for every candidate is displayed on the display section upon receipt from the manufacturer server. The website Dell discloses prompt delivery and the estimated time it will take to build the systems the customer order and ready them for shipping (page 24).

Henson (patent assigned to Dell), on the other, teaches the delivery information

about an estimated delivery term for every candidate is displayed on the display section

upon receipt from the manufacturer server (Figure 4; col. 6, lines 44-67).

It would have been obvious to one of ordinary skill in the art at the time of the

invention was made to modify the method and system of the website Dell, to include the

delivery information about an estimated delivery term for every candidate is displayed

on the display section upon receipt from the manufacturer server, as taught by Henson,

in order to complete the servicing of customer demand (Henson, col. 3, lines 52-53).

Regarding claim 10, the website Dell discloses a manufacturer server, wherein:

the manufacturer server has a database which stores appearance image information of

a prospective custom made product as appearance specifications which are to reflect

the appearance for the prospective custom-made product and have a plurality of

candidates for forthcoming selection by the customer, the database also previously

storing interior specifications information about interior specifications of the prospective

custom-made product for forthcoming selection by the customer selection by the

customer (page 1; page 6; pages 77-79); the manufacturer server reads out form the

database a plurality of kinds of the appearance image information, as candidates 8f the

appearance specifications and transmit the read-out candidates of the appearance

specifications to the customer apparatus for displaying to the customer apparatus for

displaying on the display section as a first menu with which a customer selects at least

one desired candidate (page 1; page 6); and the manufacturer server reads out the

interior specifications information from the database which information corresponds to

the selected candidate of the appearance specifications, and transmits the read-out

interior specifications information, which includes a plurality of candidates, to said

customer apparatus for displaying on the display section as a second menu (pages 8-

8E; pages 9-10A; page 22).

However, the website Dell does not explicitly disclose the selecting by the

customer of the interior of the custom-made product in the second menu. The website

Dell does disclose the interior specification (pages 8-8E; pages 9-10A). Furthermore,

the website Dell discloses "Build Your Own System" and "Configure the System" in

page 22, where you choose a system a customer wants to configure from the products

sold by Dell or by clicking on a "Configure Price Buy" icon. The "Configure the system"

is selection options from drop-down menus that are provided (page 22).

U.S. Patent No. 6,167,383 to Henson assigned to Dell discloses the selecting by

the customer to the interior of the custom-made product in the second menu (Figures

3a-3c; Figures 4-5).

It would have been obvious to one of ordinary skill in the art at the time of the

invention was made to modify the method and system of the website Dell, to include the

selecting by the customer to the interior of the custom-made product in the second

menu, as taught by Henson, in order to optimize the responsiveness to the customer

requests and for completeness in servicing of customer demand (Henson, col. 3, lines

51-53).

The website Dell discloses World Wide Web and Internet (page 77), however, it

does not expressly disclose the manufacturer server and the database, but it is inherent

that the website and Internet have the server and database. As an alternative, the

Henson patent assigned to Dell teaches the manufacturer server and the database.

Henson teaches an online store which is a component of an Internet website for which a

customer can configure a particular computer system (col. 4, lines 36-39). The online

store has a commerce application module that includes a configurator, shopping cart,

checkout, and database (col. 4, lines 62-64). The database provides information to the

configurator, shopping cart, and checkout (col. 4, lines 64-66). The various modules of

the configurator are driven by data from the database (col. 5, lines 3-5). Therefore, it

would have been obvious to one of ordinary skill in the art at the time of the invention

was made to modify the Dell website, to include the server and database, as taught by

Henson, in order to provide a centralized point to store information to enable multiple

users to access the information.

Regarding claim 14, the website Dell discloses a customer apparatus, wherein:

the customer apparatus has a display section for displaying various kinds of information

(page 1; page 6); the display section displays a first menu containing appearance image

information of a prospective custom-made product as appearance specifications which

are to reflect the appearance of the prospective custom-made product and which have a

plurality of candidates (page 1; page 6); and the display section also displays a second

menu containing interior specifications information about interior specification so the

prospective customer-made product, where said interior specifications information

corresponds to the selected candidate of the appearance specification (pages 8-8E;

pages 9-10A; page 22).

However, the website Dell does not explicitly disclose the selecting by the

customer of the interior of the custom-made product in the second menu. The website

Dell does disclose the interior specification (pages 8-8E; pages 9-10A). Furthermore,

the website Dell discloses "Build Your Own System" and "Configure the System" in

page 22, where you choose a system a customer wants to configure from the products

sold by Dell or by clicking on a "Configure Price Buy" icon. The "Configure the system"

is selection options from drop-down menus that are provided (page 22).

U.S. Patent No. 6,167,383 to Henson assigned to Dell discloses the selecting by

the customer to the interior of the custom-made product in the second menu (Figures

3a-3c; Figures 4-5).

It would have been obvious to one of ordinary skill in the art at the time of the

invention was made to modify the method and system of the website Dell, to include the

selecting by the customer to the interior of the custom-made product in the second

menu, as taught by Henson, in order to optimize the responsiveness to the customer

requests and for completeness in servicing of customer demand (Henson, col. 3, lines

51-53).

Regarding claim 16, the website Dell discloses a method of selecting

specifications of a custom-made product comprising: transmitting, from a manufacturer

server to a customer apparatus, appearance image information of a prospective

custom-made product as appearance specifications which are to reflect the appearance

of the prospective custom-made product and which have a plurality of candidates, and

displaying, on a display section of the customer apparatus, a first menu containing the

appearance specification for every candidate for selection in the first menu by the

customer (page 1; page 6); selecting one candidate from all the candidates of said

appearance specifications in the first menu displayed on the display section (page 1;

page 6); transmitting, from the manufacturer server to the customer apparatus, various

kinds of interior specifications information about interior specifications of he prospective

custom-made product and displaying, on the display of the customer apparatus, a

second menu containing all kinds of said interior specifications information

corresponding to the selected candidate of the appearance specifications (page 8; apge

22); and selecting desired kinds of the interior specifications from the second menu on

the display section by the customer (page 8; page 22).

However, the website Dell does not explicitly disclose the selecting by the

customer of the interior of the custom-made product in the second menu. The website

Dell does disclose the interior specification (pages 8-8E; pages 9-10A). Furthermore,

the website Dell discloses "Build Your Own System" and "Configure the System" in

page 22, where you choose a system a customer wants to configure from the products

sold by Dell or by clicking on a "Configure Price Buy" icon. The "Configure the system"

is selection options from drop-down menus that are provided (page 22).

U.S. Patent No. 6,167,383 to Henson assigned to Dell discloses the selecting by

the customer to the interior of the custom-made product in the second menu (Figures

3a-3c; Figures 4-5).

It would have been obvious to one of ordinary skill in the art at the time of the

invention was made to modify the method and system of the website Dell, to include the

selecting by the customer to the interior of the custom-made product in the second

menu, as taught by Henson, in order to optimize the responsiveness to the customer

requests and for completeness in servicing of customer demand (Henson, col. 3, lines

51-53).

The website Dell discloses World Wide Web and Internet (page 77), however, it

does not expressly disclose the manufacturer server, but it is inherent that the website

and Internet have the server. As an alternative, the Henson patent assigned to Dell

teaches the manufacturer server. Henson teaches an online store which is a

component of an Internet website for which a customer can configure a particular

computer system (col. 4, lines 36-39). The online store has a commerce application

module that includes a configurator, shopping cart, checkout, and database (col. 4, lines

62-64). The database provides information to the configurator, shopping cart, and

checkout (col. 4, lines 64-66). The various modules of the configurator are driven by

data from the database (col. 5, lines 3-5). Therefore, it would have been obvious to one

of ordinary skill in the art at the time of the invention was made to modify the Dell

website, to include the server and database, as taught by Henson, in order to provide a

centralized point to store information to enable multiple users to access the information.

Regarding claim 21, the website Dell discloses a method of allowing a customer

to customize a custom-made product, the method comprising: receiving an initial menu

from a manufacturer server and displaying the initial menu at a customer apparatus

(page 1; page 6); allowing the customer to select a computer system from the initial

menu (page 1; page 6; page 22); and in response to the selecting, receiving, from the

manufacturer server, at the customer apparatus, a second menu, where the computer

parts are for customizing a custom-made computer having a same body form type and

a same display of the previously selected computer system (page 8; page 22).

However, the website Dell does not explicitly disclose the allowing of the

customer to specify the a various computer parts among candidate computers of

different computer part categories in the second menu selecting by the customer of the

interior of the custom-made product in the second menu. The website Dell does

disclose the interior specification (pages 8-8E; pages 9-10A). Furthermore, the website

Dell discloses "Build Your Own System" and "Configure the System" in page 22, where

you choose a system a customer wants to configure from the products sold by Dell or

by clicking on a "Configure Price Buy" icon. The "Configure the system" is selection

options from drop-down menus that are provided (page 22).

U.S. Patent No. 6,167,383 to Henson assigned to Dell discloses the allowing of

the customer to specify the a various computer parts among candidate computers of

different computer part categories in the second menu selecting by the customer of the

interior of the custom-made product in the second menu (Figures 3a-3c; Figures 4-5).

It would have been obvious to one of ordinary skill in the art at the time of the

invention was made to modify the method and system of the website Dell, to include the

allowing of the customer to specify the a various computer parts among candidate

computers of different computer part categories in the second menu selecting by the

customer of the interior of the custom-made product in the second menu, as taught by

Henson, in order to optimize the responsiveness to the customer requests and for

completeness in servicing of customer demand (Henson, col. 3, lines 51-53).

The website Dell discloses World Wide Web and Internet (page 77), however, it

does not expressly disclose the manufacturer server, but it is inherent that the website

and Internet have the server. As an alternative, the Henson patent assigned to Dell

teaches the manufacturer server. Henson teaches an online store which is a

component of an Internet website for which a customer can configure a particular

computer system (col. 4, lines 36-39). The online store has a commerce application

module that includes a configurator, shopping cart, checkout, and database (col. 4, lines

62-64). The database provides information to the configurator, shopping cart, and

checkout (col. 4, lines 64-66). The various modules of the configurator are driven by

data from the database (col. 5, lines 3-5). Therefore, it would have been obvious to one

of ordinary skill in the art at the time of the invention was made to modify the Dell

website, to include the server and database, as taught by Henson, in order to provide a

centralized point to store information to enable multiple users to access the information.

Claims 4, 9, 13, and 19 are rejected under 35 U.S.C. 103(a) as being

unpatentable over the Dell Computer Corporation website www.dell.com (Dell)

and U.S. Patent No. 6,167,383 to Henson assigned to Dell Corporation as applied

to claims 1, 6 and 10 above, and further in view of U.S. Patent No., 6,493,677 to

von Rosen et al. The website Dell and Henson substantially discloses the claimed

invention, however, the combination does not explicitly disclose a confirmation page

containing the appearance image information of the prospective custom-made product.

The combination does disclose "confirm your order" which includes all checkout and production information (the website Dell page 23). The combination further discloses a shopping cart web page, which includes the desired configured system the customer configured (Henson, col. 10, lines 16-18).

Von Rosen, on the other hand, teaches a confirmation page containing the appearance image information of the prospective custom-made product (ref. 192, Figure 11a; col. 10, lines 59-65).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the combination, to include the appearance image information of the prospective custom-made product, as taught by von Rosen, in order to provide a display preview of the product so that the customer may be permitted to return to any previous pages to correct any incorrect item or to confirm the order for processing (von Rosen, col. 10, lines 64-67).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa Thein whose telephone number is 571-272-6764. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alex Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Mtot
May 12, 2006

ALEXANDER KALINOWSKI
SUPERVISORY PATENT EXAMINER